

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL DKT. NO. 2:09-CR-0136
v.	*	SECTION: “R”(5)
AVA ROMAIR	*	VIOLATION: 18 U.S.C. § 641
a/k/a Ava Ryburn	*	
a/k/a Ava Ryburn Romair	*	
a/k/a Ava Wichser	*	
a/k/a Ava Wichser Romair	*	
a/k/a Ava Ryburn Wichser	*	
a/k/a Ava Ryburn Wichser Romair	*	

* * *

FACTUAL BASIS

Should this matter have gone to trial, the Government would have proved beyond a reasonable doubt, through the introduction of competent testimony and admissible, tangible exhibits, the following facts to support the allegations charged by the Bill of Information now pending against the defendant, **AVA ROMAIR, a/k/a Ava Ryburn, a/k/a Ava Ryburn Romair, a/k/a Ava Wichser, a/k/a Ava Wicher Romair, a/k/a Ava Ryburn Wichser, a/k/a Ava Ryburn Wichser Romair (“ROMAIR”)**.

The defendant has agreed to plead guilty to the one-count bill of information currently pending against her, charging her with one count of theft of government funds, in violation of Title 18, United States Code, Section 641.

An official from the United States Department of Veterans Affairs (“VA”) would testify that

the VA is an agency of the government of the United States of America. Further, an employee of the VA would testify that, pursuant to Title 38, United States Code, Section 1310, Dependency Indemnity Compensation benefits are paid to survivors of veterans whose death resulted from (1) a disease or injury incurred or aggravated in the line of duty while on active military duty or active duty for training; (2) an injury incurred or aggravated in the line of duty while on inactive duty training; or (3) a service-connected disability or condition directly related to the veterans's service.

An official from the VA would testify that on or about July 1, 1976, Ms. Alma Ryburn, the mother of the defendant, began receiving VA Dependency Indemnity Compensation benefits because her husband, Leonard B. Ryburn, a veteran, died from a heart attack secondary to arteriosclerotic and hypertensive heart disease. This official would further testify that because Mr. Ryburn's heart disease was considered to be service-connected disability, his cause of death was considered to be service connected.

A special agent from the Department of Veterans Affairs, Office of Inspector General ("VA-OIG"), would testify that, in September 2006, the VA regional office in New Orleans received a call from Rhonda Ryburn, the sister-in-law of the defendant, who advised that the beneficiary of the VA Dependency Indemnity Compensation benefits, Alma Ryburn, had died a year earlier, on September 1, 2005, shortly after Hurricane Katrina struck Southeastern Louisiana. The VA-OIG special agent would also testify that, based on a review of Alma Ryburn's file, despite her death on September 1, 2005, the VA continued to pay the Dependency Indemnity Compensation benefits because they were never informed of Ms. Ryburn's death. From September 2005 through September 2006, the Dependency Indemnity Compensation benefits continued to be paid to an Omni Bank Account in the name of Charles and Ava Romair, the defendant herein and the daughter of the deceased

beneficiary.

Records from the VA would be introduced into evidence which would show that the payments issued after Ms. Alma Ryburn's death, from September 2005 through September 2006, consisted of monthly beneficiary payments in varying amounts, paid, as instructed, via electronic direct deposits to Omni Bank Account Number 3100021363, located in Metairie, Louisiana, in the Eastern District of Louisiana, in the total amount of \$13,309.00, for the benefit of Alma Ryburn, the beneficiary. A special agent from the VA-OIG would testify that the VA-OIG contacted Omni Bank in an effort to reclaim the erroneously disbursed VA funds and was able to recoup \$1,986.00 of the \$13,309.00 in benefits fraudulently obtained by **ROMAIR**. After the reclamation, the total amount remaining fraudulently obtained by **ROMAIR** was \$11,323.00. On October 3, 2007, **ROMAIR** presented herself at a VA office in New Orleans, Louisiana, with a cashier's check in the amount of \$11,323.00, which was accepted by the VA.

Records from Omni Bank would be introduced into evidence which would show that Omni Bank Account No. 3100021363 was in the name of **ROMAIR** and her husband, and would reflect the monthly direct deposits consisting of the monthly VA beneficiary payments noted above. Though Alma Ryburn died in September 2005, the VA was never notified of her death by **ROMAIR** and therefore, it continued to deposit VA benefits into the Omni bank account referenced above. Knowing that the VA funds were VA benefits entitled only to, and for the benefit of, Alma Ryburn, and with intent to deprive usage of these funds from the true owner, **ROMAIR** stole the VA funds for her own use or for the use of others.

READ AND APPROVED:

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EDWARD J. CASTAING, JR.
Attorney for Defendant
Louisiana Bar Roll _____

AVA ROMAIR
Defendant